

الفقه المالكي والتصوف في غرب إفريقيا

الدكتور زاخاي رايت
أستاذ الدراسات الإسلامية
في جامعة نورث وسترن الأمريكية

ملخص المداخلة بالعربية

أدرك الأكاديميون منذ وقت طويل أن العديد من كبار علماء الإسلام كانوا متضلعين في كل من التصوف والفقه، حسب القولة الشهيرة: «من تصوف ولم يتفقه فقد تزندق، ومن تفقه ولم يتصوف فقد تفسق». وللمذهب المالكي علاقة وثيقة بمختلف الطرق الصوفية الناشئة في شمال وغرب إفريقيا. ورغم أن العلاقة بين الفقه والتصوف لم تنشأ إلا في سياق نظري، فإن التفاصيل عن كيفية مناقشة العلماء للحدود الفاصلة بين هذين العلمين تتطلب التحليل الدقيق. إذ كان العديد من علماء المالكية لشمال وغرب إفريقيا متصوفة فكيف أثرت مشاربهم الصوفية في اشتغالهم الفقهي، وكيف أثر فقهم في ممارستهم الصوفية؟.

لقد تزعم الصوفي السنغالي الشيخ إبراهيم نياس (المتوفى عام 1975) حركة عدت من أنجح الحركات الإسلامية في إفريقيا (ق20)، حيث أسهبت في الروحانيات مثل تحقيق المعرفة، مع التركيز على الفقه المالكي. فخلال الدفاع عن حق العلماء في الاجتهاد من خارج المذهب، تكون الآراء الشرعية للشيخ إبراهيم أكثر إقناعاً من داخل المذهب المالكي، على هذا النحو، فإنها تبرهن على التكيف المستمر للمدرسة الشرعية. والأهم من ذلك أن الحجج

الشرعية للشيخ تقدم مثالا معاصرا لأهمية التصوف بالنسبة لتطور التفسير الفقهي نفسه.

مداخلتي هاته، ستتناول بالتحليل رسالة الشيخ إبراهيم «رفع الملام عن رفع وقبض اقتداء بسيد الأنام»، ارتباطا بسياق الممارسة الشرعية في بلده بالسنيغال. تضع الكتابات السابقة حول موضوع التصوف والفقهاء القارئ في أحد الاحتمالين التاليين: إما أن التصوف قوض الأمور الفقهية، وإما أنه مرادف لها. أخلص إلى أن المتصوفة من داخل المذهب المالكي من أمثال الشيخ إبراهيم، قد أحدثوا تحديا بمذهبهم كما قاموا بإحيائه. لقد كانوا متمكنين من الفقه، لكن لم يتوقفوا عند مسأله. وقد اعتُبر هذا التحرر -المحقق من خلال التربية على الأمور الفقهية ومن خلال التجربة الصوفية أيضا، الآلية الأساس التي تستمر في إعادة الحياة للمذهب المالكي وباقي الأمور الفقهية الأخرى.

ملخص المداخلة بالفرنسية

La doctrine malékite et le soufisme à l'ouest africain. les interprétations jurisprudentielles du Cheikh Ibrahim Niasse du Sénégal

Les académiciens se sont rendu compte, depuis longtemps, que la plupart des Oulémas étaient calés en soufisme et en Jurisprudence. L'Imam Malik n'hésite pas à dire que »celui qui emprunte la voie soufie sans être imprégné de Jurisprudence vivra dans la débauche et le libertinage, de même, celui qui prétend être soufi sans être imprégné de cette jurisprudence, risque d'affecter sa dévotion. Mais, s'il parvient à les associer (c'est-à-dire la jurisprudence islamique et le soufisme), il savourera les délices de la certitude.«

Si les Oulémas malékites sont majoritairement soufis au nord et à l'est de Afrique, comment donc leur influence fut patente sur l'interprétation de la Jurisprudence et vice-versa.

Cheikh Ibrahim Niasse (mort en 1975) a présidé l'une des voies soufies les plus brillantes en Afrique au 20^{ème} siècle prônant à la fois un élan spirituel fort tel la concrétisation de la gnose et l'intérêt porté sur la doctrine malékite.

Cheikh Ibrahim se permet de convaincre pour prouver ses idées, de l'intérieur et de l'extérieur de la sphère malékite. Ceci prouve qu'il était plus souple et qu'il a pu progresser dans cette école donnant ainsi le bon exemple moderne du soufisme quant au développement de l'interprétation et son adaptation avec, selon les circonstances. L'exemple de son œuvre» Dissiper tout reproche de celui qui réchauffe et conçoit l'inspiration du prophète comme idéal « nous livre deux hypothèses ; selon la première, le soufisme a saqué les affaires de la Jurisprudence et selon la seconde, il y'était un équivalent .De là, une déduction est importante : Les soufis, au sein de la doctrine malékite ont créé un défi, visant son activation tout en s'ingéniant dans les affaires de la Jurisprudence. Cette double dynamique a permis à la fois nouvelles vie et activité au soufisme ainsi qu'aux affaires de la Jurisprudence.

ملخص المداخلة بالانجليزية

Maliki Fiqh and Sufism in the West of Africa: The legal interpretations of Shaykh Ibrāhīm Niasse

Academics have long recognized that many of Islam's great scholars were well versed in both the science of Sufism (taṣawwuf) and jurisprudence (fiqh). According to the famous statement of Imam Mālik, "If someone practices Sufism without acquiring knowledge of the law, he has become an infidel (zindiq), while he who practices law without acquiring knowledge of Sufism becomes a debauched degenerate (fāsiq)." The Mālikī School of jurisprudence has had a particularly close relationship with the various Sufi orders emerging in North and West Africa.

Although the relationship between Law and Sufism has been established in a theoretical context, the specifics of how scholars negotiate the boundaries between these two distinct sciences require closer analysis. If a great many of the Mālikī scholars of North and

West Africa were also Sufis, how did their Sufi inclinations affect their interpretation of Law, and how did their legal training affect their Sufi practice?

The Senegalese Sufi Shaykh Ibrâhîm Niasse (d. 1975) led arguably the most successful Muslim movement in twentieth-century Africa) Wright, 2010; Seesemann, 2011). Steeped in lofty Sufi aspirations such as the attainment of gnosis (*ma'rifa*), Shaykh Ibrâhîm's movement also became characterized by a particular emphasis on Mâlikî jurisprudence. While defending the right of scholarly opinion (*ijtihâd*) outside of the legal school (*madhhab*), Shaykh Ibrâhîm's legal opinions are mostly argued from within the Mâlikî School. As such, they demonstrate the continued adaptability of the legal school. More significantly however, Shaykh Ibrâhîm's legal arguments provide a contemporary example – missing in most discussions of the Law and Sufism – of Sufism's importance for the process of juristic interpretation itself.

My paper analyzes Shaykh Ibrâhîm's major work of jurisprudence, *Raf' al-malâm 'amman rafa'a wa qabaḍa iqtidâ'an bi sayyid al-anâm*, in dialogue with the context of legal practice in the city of his dwelling, Medina-Baye Kaolack, Senegal. Previous literature on the subject of Sufism and Law leaves the reader with only one of two possibilities: Sufism undermined the legal tradition, or Sufism was synonymous with the legal tradition. My conclusion is that Sufis from within the Mâlikî School such as Shaykh Ibrâhîm Niasse have both challenged and revived the school. They were consummate masters of the legal tradition, but they were not confined by it. This independence, gained by traditional legal training and Sufi experience, has been the very mechanism that continues to bring life to the Mâlikî School and other legal traditions.

“Maliki Jurisprudence and Sufism in West Africa”

The intimate relationship between Maliki jurisprudence and Sufism in North and West Africa is best charted through the methodology and content of Islamic knowledge transmission shared between these two otherwise distinct Islamic sciences. The teaching of both Islamic jurisprudence and spiritual purification depended on an epistemology of embodied knowledge, whereby the teacher came to personify knowledge by his very bodily presence. By accompanying their shaykh, students learned how to bring the text to life, thereby keeping the Prophetic behavioral model (*sunna*) alive in a new generation. The nineteenth-century emergence of Sufi orders (*ṭuruq*, sing. *ṭarīqa*) in West Africa thus situated itself in the prior teacher-student networks that transmitted Maliki jurisprudence, networks that connected North and West Africa since the eleventh century. However, the comprehensive sainthood claimed by Sufi shaykhs in twentieth century West Africa challenged some understandings of the Maliki tradition in the region, even while these shaykhs maintained the tradition’s importance. The dynamics of West African Sufism’s relationship to the Maliki *fiqh* tradition is thus essential for understanding the intellectual history of Islam in West Africa.

This article begins with a brief discussion of embodied knowledge in Islamic learning practices and Maliki jurisprudence in particular. I next examine the typically close relationship of the North African Maliki jurist with the science of *ṭaṣawwuf* (Sufism). Twentieth-century West African Sufism’s simultaneous appreciation and adaptation of the Maliki *fiqh* tradition is best understood through a specific case study. Here I draw on field research conducted among the followers of the Tijānī Sufi Shaykh Ibrāhīm Niasse (d. 1975) in Medina-Baye, Kaolack, Senegal. I also consider the Shaykh’s primary work on jurisprudence, the *Raf’ al-malām ‘amman rafa’ wa qabaḍa iqtidā’ sayyid al-anām*, which deals mostly with the folding of the hands on the chest in ritual prayer, a practice at variance with the dominant (*mash-hūr*) Maliki opinion in North and West Africa.

The lengthiest section of any *fiqh* compendium is always that relating to ritual purification and prayer (*ṭahāra* and *ṣalāt*), demonstrating that the body was the primary site for the inculcation of Islamic practice. Although

such compendiums abound, proper ablution and prayer were rarely learned from the text itself, but replicated through the personal example of a teacher, whether Qur'ān instructor or family member. The Prophet Muḥammad was himself taught to pray through the physical example of the Angel Gabriel rather than Qur'ānic revelation.

Gabriel is not represented [in the earliest account of the instruction of ritual prayer] as instructing the Prophet in words at all. Instead the process is one of personal example by the teacher (Gabriel) and physical emulation by the disciple (Muḥammad). The process is repeated when the Prophet descends from the mountain and instructs [his wife] Khadija by example.

The verbal form of God's communication with mankind is completely eclipsed by personal example in the transmission of the ritual.¹

The science of jurisprudence, which emerged as the vehicle for the transmission of Islamic ritual practice, was thus intimately connected to personalized knowledge transmission from master to disciple. One of Islam's most famous early jurists, Abū ḥanīfa (d. 767), thus advised students that sitting with scholars, taking their example, exalting them and relating stories about them was preferable to studying fiqh texts.² Speaking of Islamic knowledge transmission in medieval Damascus, Michael Chamberlain observed: "Much of what we formulize as 'education' was the intersection of practices of khidma [service rendered to a scholar] with practices of mimesis."³ An adage from Chamberlain's sources sums up the importance of the master-disciple relationship in traditional Islamic learning: "One of the greatest calamities is taking texts as shaykhs."⁴

The Mālikī school laid particular emphasis on learning in the presence of teachers rather than texts. The eponym for this school, Imam Mālik b. Anas (d. 795), emphasized the lived practice ('amal) of the Muslim community, as exemplified by the majority of the Prophet's companions and successive generations in the Prophet's city of Medina. Imam Mālik considered the practice of the people of Medina the best representation of the Prophet's example (sunna), taking precedence over individual narrations from the

1- Marion Holmes Katz, *Body of Text: The Emergence of the Sunnī Law of Ritual Purity*, SUNY series in medieval Middle East history (Albany: State University of New York Press, 2002), 98. Mount Hira is where the Prophet Muḥammad first received revelation and learned the canonical prayer. His wife Khadija was the first convert to Islam.

2- Michael Chamberlain, "The Production of Knowledge and the Reproduction of the A'yan in Medieval Damascus," in *Madrasa: La Transmission Du Savoir Dans Le Monde Musulman*, ed. Nicole Grandin and Marc Gaborieau, 1st ed. (Paris: Arguments, 1997), 48.

3- *Ibid.*, 57.

4- Al-Izz Ibn Jam'a; cited in *Ibid.*, 34.

Prophet (ḥadīth al-aḥad).¹ Person-to-person knowledge transmission thus took precedence over the study of texts, and several opinions within the Mālikī school are at variance even with the school's first text, Imam Mālik's own Muwaṭṭa'. When asked if a student could depend on books for knowledge, Imam Mālik disavowed such methods, saying: "Knowledge should only be acquired from one who has memorized [the text], who has himself kept company with the scholars, who has put his knowledge into practice, and who possesses piety."²

The teaching of Mālikī jurisprudence in North and West Africa nonetheless came to revolve around a more-or-less standard curriculum by the seventeenth century. These works, in the order of their study, can mostly be reduced to four: the Mukhtaṣar of 'Abd al-Raḥman al-Akhḍarī (d. 1575, Algeria), the Murshid al-mu'īn 'ala al-ḍarūrī min 'ulūm al-dīn of 'Abd al-Wāḥid b. 'Āshir (d. 1630, Morocco), the Risāla of 'Abd-Allāh b. Abī Zayd al-Qayrawānī (d. 996, Morocco), and the Mukhtaṣar of Khalīl b. Ishāq al-Jundī (d. 1365, Egypt). Aside from the first, these texts were written in verse. Although meant to serve a mnemonic function, the emphasis on abridgement and versification meant that texts needed the continued presence of experts to decode them.

Moreover, the texts themselves emphasized the importance of taking knowledge from living exemplars. According to al-Akhḍarī, the student should "ask the people of knowledge and imitate those who follow the Sunna of Muḥammad, may God bless him and grant him peace, who direct people how to obey God and warn against following Satan."³ Al-Qayrawānī opened his treatise by emphasizing that teachers, or "people of advice", are entrusted with "put[ting] good into the hearts of the children of the believers so that it becomes firmly established in them."⁴ He went on to classify as "obligatory" the obedience to "men of knowledge."⁵ Ibn 'Āshir's later text demonstrates the most pronounced affinity between jurisprudence and Sufism. The Murshid contains a specific section on spiritual purification (ṭaṣawwuf), in which the author urges the student to "accompany a shaykh who is cognizant of the manners of seeking (masālik), who protects him from the pitfalls on his path (ṭarīq). He remembers God when he sees him [the shaykh], and he [the

1- Yasin Dutton, *The Origins of Islamic Law: The Qur'an, the Muwatta' and Madinan Amal* (London: Curzon Press, 1999), 42-52.

2- Muḥammad 'Awwāmah, *Adab al-ikhtilāf fī masā'il al-'ilm wa al-dīn* (Beirut: Dār al-bashā'ir al-islāmiyya, 1997), 145.

3- 'Abd al-Raḥmān al-Akhḍarī, *Mukhtaṣar al-akhḍarī fī al-'ibādāt 'ala madhhab al-imām Mālik* (Egypt: Muṣṭafa al-Ḥablī and sons, 1955), p. 2-3.

4- 'Abd-Allāh b. Abī Zayd al-Qayrawānī, *al-Risāla* (trans. Alhaji Bello Mohammad Daura, *The Risala: a treatise on Maliki Fiqh*), p. 1.

5- Ibid, p. 12.

shaykh] causes the servant to arrive at his Lord.”¹ In explanation, Ibn ‘Āshir’s student, al-Mayyara related the famous Sufi adage, “Whoever does not have a shaykh, Satan is his shaykh.”² The Mālikī school’s emphasis on lived practice and person-to-person transmission was a significant factor in the development of the shaykh-disciple relations so important for the social manifestation of Sufism in West Africa.

In broader historical terms, the Mālikī school, which came to predominate in the West Africa following the Almoravid movement of the eleventh century, played a seminal role in the early history of Islam in the region. New research on the Almoravid movement reveals that Almoravid military conquest likely did not extend south beyond the desert city of Awghwast, thereby not penetrating the kingdom of Ghana.³ Mālikism may thus have been the more enduring legacy of the Almoravids in West Africa, and it is likely that the “conversion” of the Ghanaian capital Kumbe Saleh in 1076 refers to the switch from the ‘Ibādī Kharajite school (which for centuries had dominated the trans-Saharan trade routes passing through Tahert) to Mālikism.⁴ The rise of Mālikī “orthodox” Sunni Islam over the ‘Ibādī sect in West Africa was thus a largely peaceful process, and the noted scholar of Timbuktu Ahmad Baba flatly rejected the notion of an Almoravid conquest, writing in 1615 that black African Muslims had accepted Islam willingly, never under threat of conquest.⁵ With the adoption of the Mālikī school by the Soninke/Mandinka clerical lineages and the establishment of Timbuktu as a center for Mālikī scholarship, the school became the unrivaled source for the transmission of Islamic jurisprudence by the fourteenth century.⁶ West African scholars attained notoriety in the subject, and several (Arab) North Africans, such as the Qadi of Fes, Abu al-Qasim al-Ghassani, studied Mālikī jurisprudence in Timbuktu.⁷

Even if Egyptian scholars such as al-Suyūṭī began to supplant the preponderant influence of North African Mālikī scholars as the primary

1- ‘Abd al-Wāḥid b. ‘Āshir, *Murshid al-mu’īn ‘ala al-ḡarūr min ‘ulūm al-dīn*, in Ḥamdūn b. al-Ḥājj, *Hāshiya ‘ala sharḥ Mayyāra ‘ala al-manzūma murshid al-mu’īn* (Beirut: al-Maktaba al-‘Asriyya, 2009), p. 472, 474.

2- Al-Mayyāra, in *Ibid.*, p. 474.

3- Pekka Masonen and Humphrey J. Fisher, “Not Quite Venus from the Waves: The Almoravid Conquest of Ghana in the Modern Historiography of Western Africa,” *History in Africa* 23 (1996): 197-232.

4- *Ibid.*, 217.

5- *Ibid.*, 201.

6- Mansour Hasan Mansour, *The Maliki School of Law: Spread and Domination in North and West Africa, 8th-14th Centuries* (San Francisco, Calif: Austin & Winfield, 1994), 117, 129.

7- *Ibid.*, 120.

external sources on West African Islam by the sixteenth century,¹ the imprint of Mālikī asceticism in the Maghreb since the ninth century² seems to have had a lasting influence on West African Muslim religiosity. Early Mālikī scholars in North and West Africa remained independent of state power, and often served as a rallying point for popular grievances against the state.³ Mālikī scholars early on gained a reputation of resisting state appointments, for spiritual purification, and self-sacrifice.⁴ In North Africa, *fiqh* and asceticism (*zuhd*) developed hand-in-hand,⁵ especially in the culture of *ribāt* (outposts, from which the *al-murābiṭūn*, the Almoravids, take their name)⁶ and the nomadic schools of eminent scholars in the southern Sahara, called *maḥadra*.⁷ As scholars emerged south of the Maghreb, lack of access to libraries combined with the Mālikī emphasis on lived example in accenting the role of the master as the sole source of knowledge: “For the Moors, the shaykh was their library.”⁸ Such early scholars of jurisprudence were revered for their piety, the power of their supplications (for rain for example), and spiritual power.⁹ The militancy of the Almoravid movement was an anomaly to an otherwise stabilizing influence of Mālikī jurists, who played a significant role in ensuring equitable trade terms across the trans-Saharan trade networks.¹⁰ It was such scholars, both those who arrived in sub-Saharan Africa from the north, and the West African clerical lineages themselves, who deserve credit for the spread of Islam in West Africa, rather than the traders often thought responsible for spreading Islam in the region.¹¹

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- 1- John Hunwick, «Further Light on Ahmad Baba al-Tinbukti,» *Research Bulletin—Centre of Arabic Documentation, University of Ibadan* 2-3 (1966-67), 25-26.
 - 2- For the ascendancy of Mālikism over the Ḥanafī and Ḥanbalī schools in Morocco in the ninth century, see Nejmeddine Hentati, “Le Mālikisme: sa diffusion en Ifrīqiya et ses relations avec les autres écoles,” in *Les Ecoles Juridiques en Afrique du Nord* (trans. Michel Lagarde, Rome: Pontificio Instituto di Studi Arabi e d’Islamistica, 2007), 51-74.
 - 3- Mansour, *The Maliki School of Law*, 127.
 - 4- Nehemia Levtzion, “Abd Allah b. Yasin and the Almoravids,” in Willis (ed.), *Studies in West African Islamic History: Volume I, the Cultivators of Islam* (London: Frank Cass, 1979), 79-80.
 - 5- David Stephan Powers, *Law, Society, and Culture in the Maghrib, 1300-1500*, Cambridge studies in Islamic civilization (Cambridge: Cambridge University Press, 2002), 14-16.
 - 6- Levtzion, “Abd Allah b. Yasin,” 80, 86.
 - 7- C. E. Hamel, “The Transmission of Islamic Knowledge in Moorish Society from the rise of the Almoravids to the 19th century,” in *Journal of Religion in Africa* 29, 1 (1999), 66, 79.
 - 8- *Ibid.*, 66.
 - 9- Levtzion, “Abd Allah b. Yasin and the Almoravids,” 80; Mansour, *The Maliki School*, 126;
 - 10- Ghislaine Lydon, *On Trans-Saharan trails: Islamic law, trade networks, and cross-cultural exchange in nineteenth-century Western Africa* (Cambridge: Cambridge UP, 2009), 224-225.
 - 11- Lamin Sanneh, “The Origins of Clericalism in West African Islam,” in *Journal of African History*, v. 17, n. 1 (1976), 50-51.

The Mālikī school was thus a source of common identity for the early Muslim scholars who spread Islam in North and West Africa from the eleventh to the fourteenth centuries and beyond. Such scholars were largely revered as pious ascetics, responsive to popular needs, a source of political and legal stability and repositories of spiritual power. Pedagogical techniques among these scholars centered on person-to-person knowledge transmission from a master who had learned from his own teacher how to put his knowledge into practice. The bodily rituals of Islam were thus put into practice in West Africa through the lived example of Mālikī scholars. The teaching of Sufism in nineteenth and twentieth century West Africa drew on the legacy of bodily mimesis and the scholarly-ascetic ideal in the Mālikī fiqh tradition, but also challenged the juristic tradition.

The followers of Shaykh Ibrāhīm Niasse, like other Sufi communities in twentieth century West Africa, were steeped in the Mālikī legal tradition. There are few in Medina-Baye today (the spiritual center of the community), from scholars to young girls, who have not studied the basic texts of Mālikī jurisprudence – such as *Akhḍārī* or *Murshid al-muʿīn* – in the presence of licensed instructors.¹ But person-to-person transmission of jurisprudence is not an argument for unchanging religious practice. Scholarly interpretation of the law (*ijtihād*) was evidenced in all times and places where Muslims practiced their religion, West African notwithstanding. The continued emphasis on the chain of knowledge transmission, however, emphasized a fundamental distinction between legitimate scholarly interpretation and the sort of evidentiary analysis that has characterized many “reformers” of modern times. The scholar trained by a master was able to bring Islamic practice to life in a new time, adapting to new circumstances so that the essential disposition carried by the scholar could be best transmitted. With new emphasis on personified gnosis (*maʿrifa*), Shaykh Ibrāhīm’s movement was perhaps able to push this legacy of legal adaptability further than other communities of traditional Mālikī training in West Africa. Nonetheless, the legal interpretations of the movement were rooted in the sanad tradition rather than the kind of disembodied textual analysis of reformers trained outside of the traditional curriculum.

Understanding Shaykh Ibrāhīm’s methodology of *ijtihād* requires a few qualifications to the model of person-to-person in the Mālikī fiqh tradition as presented by Yasin Dutton and similar writers on the Mālikī tradition. For Dutton, Mālikī jurisprudence transmitted a single authoritative model of early

1- I was surprised to learn, for example, that young girls from local villages sent by their families to serve in the kitchens of Medina-Baye had already been taught *Akhḍārī* by the local imam in their village. Interview with anonymous disciple formerly serving Sayyida Fāṭima Zahra Niasse, Chicago, IL, January 2010.

Muslim practice in the Prophet's city of Medina. If such practice ('amal) should be in conflict with a narrated text (naṣṣ or ḥadīth), from the Prophet or his companions, it was the transmitted practice of the school that triumphed.¹ In order to substantiate the notion of practice over narration, Dutton privileges some interpretations within this legal school over others. However, differing narrations from Imam Mālik question the legitimacy of a single, unchanging practice preserved by particular students of Imam Mālik over others. The point here is that Mālikī jurisprudence was constructed differently by different students of Imam Mālik in varying degrees of dialogue with texts. A dominant (mashhūr) opinion within the school may not have been the dominant opinion of a previous generation, nor was the dominant opinion the same in different regions of the Muslim world where the school spread.

Perhaps more significant than divergent opinions on specific juridical issues was the existence of divergent tones within the Mālikī school in the Western lands of Islam. On the one hand, Mālikī jurists like Ibn Rushd were pioneers in the field of comparative jurisprudence and discussion of evidentiary, text-based standards for legal rulings. On the other hand, the Mālikī-inspired Almoravid movement seems to have been possessed of a degree of intolerance against divergent opinions both external and internal to the madhhab. This later trend is reflected in the debate between contemporary Muslim scholars Yasin Dutton and Gabril Haddad, the latter accusing the former of a sort of "Mālikī triumphalism."² It also surfaces in discussions on the reception of works of Abū Ḥāmid al-Ghazālī. Since some of the chief Almoravid Mālikī jurists of Andalusia issued rulings that al-Ghazālī's magnum opus, *Iḥyā' 'ulūm al-dīn*, should be burned (ostensibly for arguing the ascendancy of Sufi awliyā' over jurists),³ Eric Ormsby concludes, Ḥāmid "Western Malikis displayed a tendency towards extreme dogmatism."⁴ Of course, not all Mālikī scholars wanted to burn al-Ghazālī's works, and the madhhab was later taught alongside Sufism in North and West Africa. Indeed, the fossilization of the madhhab around particular issues (such as sadl), or its selective association with rare occasions of intolerance, ultimately does a disservice to the diversity and intellectual richness of legal tradition central to the formation of Muslim identity in North and West Africa.

1- Dutton, *Origins of Islamic Law*, 178.

2- G.F. Haddad, "Imam Malik vs Pseudo-Malikism: Review of Dutton's *Original Islam: Malik and the Madhhab of Medina*" (June, 2007, <http://mac.abc.se/~onesr/ez/in/bn/Original.Islam-MalikMadh.html>, accessed 12/1/2009).

3- Delfina Ruano, "Why did the scholars of al-Andalus Distrust al-Ghazālī? Ibn Rushd al-Jadd's *Fatwā on Awliyā' Allāh*," in *Der Islam* (2006), p. 137-156.

4 Eric Ormsby, *Al-Ghazali: the Revival of Islam* (One World Press, 2007), p. 10.

More generally, the juristic emphasis on practice (*ʿamal*) did not exclude the use and production of texts. Islamic jurisprudence, of the Mālikī school notwithstanding, was perhaps the richest field of Arabic literary production, and in fact demonstrates a fruitful dialogue between text and practice. Over the centuries, several prominent Muslim scholars argued that texts were essential in preserving the Islamic scholarly

tradition and in constructing authority.¹ Collections of Prophetic narrations (*ṣaḥīḥ* or *musnad*) were important sources for *fiqh*, and in fact were transmitted in an initiatory fashion similar to the transmission of practical *fiqh*. According to an important study of *ḥadīth* transmission, “There should be at least one interaction ritual between a disciple and a mentor of *ḥadīth* for the connection to be accepted as valid by the critics.”² For Dutton, *ḥadīth* appear only as disembodied text, and thus are illustrative rather than constitutive of practice.³ But when scholars evaluated *fiqh* opinions against *ḥadīth*, they were not breaking with the *sanad* tradition by throwing out practice for text: they were putting two practices of knowledge transmission in dialogue with each other. Moreover, Muslim orthopraxy was contested with reference to a diverse body of legal precedent often recorded in texts.

Discussions of Islamic legal reform in modern times – where activists trained in the new madrasa system and armed with direct access to texts break with person-to-person initiatory practices of traditional learning – often obscure ongoing changes within the *sanad* tradition that became visibly pronounced in the eighteenth century. The increased study of *ḥadīth*, through “traditional” learning techniques, had led to networks of *ijtihād*-minded scholars all over the Muslim world by the late eighteenth century.⁴ Significantly, such

1- See Brinkley Morris Messick, *The Calligraphic State: Textual Domination and History in a Muslim Society*, Comparative studies on Muslim societies 16 (Berkeley: University of California Press, 1993), 16. Messick argues, “Authoritative texts are as fundamental to the history of *shariʿa* scholarship as they are to the history of the other intellectual disciplines. Such a text was ‘relied upon’ in a place and time: the knowledgeable consulted it, specialists based findings upon it, scholars elaborated its points in commentaries, teachers clarified its subtleties, students committed its passages to heart.”

2- Recep Senturk, *Narrative Social Structure: Anatomy of the Hadith Transmission Network*, 610-1505 (Stanford, CA: Stanford UP, 2005), 214.

3- Dutton, *Origins of Islamic Law*, 178. To his credit, Dutton seems to be arguing against a particular way of reading the *hadith* without reference to transmitted practice. Nonetheless, he fails to excavate alternative ways of reading *hadith* beyond the utilitarian methodology of modern reformers.

4- John O. Voll, “‘Abdallah ibn Salim al-Basri and 18th Century Hadith Scholarship,” *Die Welt des Islams* 42, no. 3, New Series (2002): 356-372; Basheer M. Nafi, “*Taṣawwuf* and Reform in Pre-Modern Islamic Culture: In Search of Ibrāhīm al-Kūrānī,” *Die Welt des Islams* 42, no. 3, New Series (2002): 307-355; John Voll, “Muḥammad Ḥayyā al-Sindī and Muḥammad ibn ‘Abd al-Wahhab: An Analysis of an Intellectual Group in Eighteenth-Century Maḍīna,”

scholars rarely rejected the legal schools (*madhāhib*) altogether, and were avid supporters of person-to-person knowledge transmission in all its forms, most explicitly including Sufism. Unlike later versions of *ijtihād* disconnected from the *sanad* (person-to-person transmission) tradition, this was reform that emerged from within traditional knowledge practices. Several representatives of this network thus argued that the saint should not be restricted to a particular school, especially the one in direct contact with the living presence (*dhāt*) of the Prophet Muḥammad, learning directly from him.¹ Such a scholar carried the entire Islamic scholarly tradition in himself, so that if all books were to suddenly disappear from the earth, he would be able to reconstruct the entire edifice of Islamic scholarship from what was contained in his being.²

The increased dialogue between *ḥadīth* and *fiqh* in the eighteenth century thus did not entail the abandonment of traditional scholarship in favor of reading texts. It was a commentary on the imperfect application of the *sanad* tradition: the perceived lack of “credentials” among jurists (*fuqaha*) who might have memorized texts but no longer carried the dispositions behind those texts. Shaykh Ahmad al-Tijānī, who remained a Mālikī but was himself closely connected to the eighteenth-century *ijtihād* networks,³ thus advised his disciples: “Honor the scholars since they are the carriers of the Law, but abstain from frequenting them as long as they allow themselves to be dominated by their carnal selves.”⁴

Methodologically speaking, Shaykh Aḥmad Tijānī held that the *fiqh* tradition could not itself be used as a justification for the contradiction of an established text (*naṣṣ*):⁵ “As for the case where there exists concerning it [a *fiqh* issue] either the text of God, or the text of the Messenger, God’s blessing and peace upon him, there is no scholarly opinion (*ijtihād*) in it, as is well known among those who have established the principles of jurisprudence (*al-uṣūliyyīn*).”⁶ This of course raises the question in regards to Shaykh Aḥmad

Bulletin of the School of Oriental and African Studies, University of London 38, no. 1 (1975): 32-39.

1- This was an argument made by ‘Abd al-‘Aziz al-Dabbagh and al-Hajj ‘Umar al-Futi; see Bernd Radtke, “*Ijtihad and Neo-Sufism*,” *Asiatische Studien* 19, no. 3: 909-921.

2- Harāzim, *Jawāhir al-ma‘ānī*, 214; for further discussion of this notion within the Tijāniyya, see Wright, *Path of the Prophet*, 101-102.

3- Wright, *Path of the Prophet*, 94-95.

4- Harāzim, *Jawāhir al-ma‘ānī*; cited in Jacque Berque, *L’interieur du Maghreb XV-XIX siècle* (Poitiers: Éditions Gallimard, 1978), 261.

5- This seems to have been the dominant methodology of the *ḥadīth*-inspired “Neo-Sufi” reformers of the eighteenth century. For example, see Shāh Walī-Allāh, in Marcia Hermansen, *Shāh Walī Allāh’s Treatises on Islamic Law* (Kentucky: Fons Vitae, 2010), p. 112-113.

6- ‘Alī Harāzim Barāda, *Jawāhir al-ma‘ānī* (Cairo, 2001), p. 213. Here the principle of *uṣūl* seems close to that established by Imam al-Shāfi‘ī.

al-Tijānī: what constituted a text, and where was the text located? For Shaykh al-Tijānī, a text might include a hidden (bāḥin) narration that had been kept secret, forgotten, or not widely reported (mutawātir), although this was to be used only in cases where there could be no other text found.¹ More importantly, however, was the fact these texts were contained and transmitted by the scholars themselves, not by books. According to the Shaykh, “The true scholar (mujtahid) is the one mentioned by the Prophet, God’s peace and blessing upon him, in the ḥadīth: ‘God does not remove knowledge from people except by taking from them the scholar (‘ulamā’). Whenever a scholar dies, what was with him goes with him. When no scholar remains, people take ignorant ones as their leaders, who give opinions when asked without knowledge, so they themselves are misguided while they misguide others.’”² The true scholar guarded the sacred texts in his breast, and he was possessed of a “divine light” and “Godly sanction” so that “if a thousand issues of the time were presented to him, each without a relevant text, he could bring forth (awrada) the text for each issue.”³

Shaykh Ibrāhīm’s major work on Islamic jurisprudence, *Raf’ al-malām ‘aman rafa’ wa qabaḍ iqtidā’ bi-sayyid al-anām*,⁴ situates the Shaykh’s thinking firmly within the Mālikī school and the ijtihād-networks of the eighteenth and nineteenth century, especially the methodological principles reemphasized by Shaykh A‘mad al-Tijānī. Shaykh Ibrāhīm and most of his followers, along with most Tijānīs, have held to the Mālikī school in practice.⁵ But Shaykh Ibrāhīm rejected the idea that the common person should adhere to any one school of jurisprudence as a doctrine: unless a person has learned all the books of all the branches of a school, knowing all the narrations of its founder, a person should not claim to be an adherent of a particular school. “This would be like a man ignorant of (Arabic) grammar claiming to be a grammarian.” The result of this would only be for ordinary Muslims to fight with each other, confusing scholarly disagreements for doctrinal differences.⁶

1- Al-Barāda, *Jawāhir al-ma‘ānī*, p. 213.

2- Al-Barāda, *Jawāhir al-ma‘ānī*, p. 214.

3- Al-Barāda, *Jawāhir al-ma‘ānī*, p. 214.

4- “Raising the blame from the one who raises (his hands in the prayer) and clasps (his hands in the prayer) for the sake of emulating the master of humanity.” Although Shaykh Ibrāhīm did not cite the work directly, *Raf’ al-malām* is also the title of a work by Ibn Taymiyya; which was an important source for Muḥammad al-Sanusi’s *Iqāz al-Wasnān*, a work from which Shaykh Ibrāhīm did cite. See Knut Vikor, “The development of ijtiḥād and Islamic reform, 1750-1850” (presented at the Third Nordic conference on Middle Eastern Studies, Joensuu, Finland, June 1995), <http://www.smi.uib.no/paj/Vikor.html>.

5- Shaykh Aḥmad al-Tijānī himself referenced Imam Mālik as “the Imam of our school (mad-hab).” See Barāda, *Jawāhir al-ma‘ānī*, p. 205.

6- Niasse, *Raf’ al-malām*, 28-29. Much of this passage is a citation from Muḥammad al-Sanusi’s *Iqāz*.

In other words, doctrinal adherence to one madhhab or another might interfere with the practice of actually following a living scholar and learning correct religious disposition to the knowledge in question. Shaykh Hassan Cisse thus told a disciple in the context of asking permission to follow an opinion outside of the Mālikī school, “Whoever emulates a scholar meets God safely.”¹

Shaykh Ibrāhīm’s legal methodology is best understood in the context of a particular issue. One of the more historically significant reforms for which Shaykh Ibrāhīm argued was the practice of clasping the hands on the chest during prayer (qabḍ). This practice contradicted centuries of Mālikī custom in North and West Africa of praying with the arms hanging suspended at the sides (sabl), and the practice became one of distinguishing features of Shaykh Ibrāhīm’s movement as it spread throughout West Africa. However, Shaykh Ibrāhīm never directly condemned sabl. According to the testimony of the Shaykh’s prominent Mauritanian representative, Muḥammad al-Mishrī al-‘Alawī, “The Shaykh never forced anybody to perform either qabḍ or sabl.”² The argument for qabḍ in Raf’ al-malām thus is best described as creating space for divergent practice within Mālikī fiqh as transmitted in West Africa. In any case, the change in ritual practice among Shaykh Ibrāhīm’s followers had to do with the force of the Shaykh’s personal example, rather than written interdiction. This was perhaps the case for Shaykh Ibrāhīm himself: Shaykh Hassan told me Shaykh Ibrāhīm first started praying qabḍ in 1944 after being instructed to do so in a waking encounter with the Prophet Muḥammad.³

The Shaykh’s written reasoning for qabḍ involved a variety of arguments, including those based in text, rational deduction, appeal to religious disposition, and recourse to the sanad tradition itself. Analysis of the argument provides a rare insight into the practical flexibility of transmitted knowledge with respect to Mālikī fiqh. Although this might seem to be a minor point only important within the Islamic legal tradition, it is nonetheless significant in underscoring a wide diversity of opinion within the sanad tradition. Most explicitly, Shaykh Ibrāhīm was quick to advance the number of ḥadīth that substantiated the practice of qabḍ,⁴ demonstrating the methodology previously

1- The question concerned whether a mother should have to make up days missed fasting in Ramadan while pregnant or breast-feeding. Shaykh Hassan said, “The Maliki opinion is that she has to make it up later. But if you find another scholarly opinion, you may take it. As it is said, ‘Whoever emulates a scholar meets God safely.’” Shaykh Hassan Cisse, interview, Rabat, 9/20/2004.

2- Cited in Ahmadou Mokhtar Ba, “Cheikh Ibrahima Niasse, Savant et Homme d’Action,” Maitrise, 1982-1983, p. 29-30.

3- Shaykh Hassan Cisse, interview, Medina-Kaolack, 6/31/2003. This occurrence is not mentioned in the Raf’ al-malām, perhaps because this would be inconsistent with the genre of fiqh argumentation with which Shaykh Ibrāhīm was demonstrably well versed.

4- The oft-cited narration in this regard is that from the Prophet’s companion, Sahl b. Sa’d, in

mentioned that *fiqh* practice should not conflict with a clearly established text.

The crux of Shaykh Ibrāhīm's argument for his largely Mālikī audience was that the *sanad* tradition from Imam Mālik had been too narrowly understood in order to present uniformity of practice within the school. Indeed, the practice of *sadl* is often advanced as a prime example of an internally uncontested Mālikī practice demonstrating the victory of the Medinan practice ('amal) over *ḥadīth*: how else could Imam Mālik himself relate narrations of the Prophet praying *qabḍ* while holding to *sadl*?¹ Shaykh Ibrāhīm, oral sources relate, certainly valued the 'amal of the Prophet's city, but in fact used it as an argument for *qabḍ* not *sadl*: "He said, 'Since the time of the Prophet till now, the ritual prayer (*ṣalāt*) has never ceased being performed in Medina. It is inconceivable that people would accept to change the prayer from what they knew before.'"² In any case, Shaykh Ibrāhīm's argument in the *Raf' al-malām* was for a deeper understanding of the Prophet's practice based on broader consideration of narrations from Imam Mālik himself.

Consideration of narrations from all of Imam Mālik's students – besides that from Ibn Qāsim primarily responsible for the diffusion of the Mālikī school in North Africa – demonstrated a range of opinions from Mālik; including a number saying that *qabḍ* was preferred.³ Of course this practice, Shaykh Ibrāhīm pointed out, was also widely substantiated in canonical *ḥadīth* collections.⁴ Shaykh Ibrāhīm seemed to suggest here that a broader reading of all his disciples' narrations indicated Imam Mālik's own example was not fully understood by later Mālikīs in North and West Africa. Imam Mālik's conflicting statements that *qabḍ* was disliked in the obligatory prayer (*farḍ*) and permitted in the supererogatory prayer (*nāfila*), or that it was actually preferred in all ritual prayers, could be reconciled by understanding Imam Mālik's intention, according to Shaykh Ibrāhīm. Mālik's dislike for *qabḍ* was if (only) it was used as a means of resting (*i'timād*) during the prayer, something which invalidates obligatory but not supererogatory prayers.⁵

al-Bukhārī and in Imam Mālik's *Muwatta'*: "The people used to be commanded that a man should put the right hand over the left in prayer."

1- Dutton, *Origins*, 46; for a fuller discussion of this argument, see Dutton, "'Amal v Hadīth in Islamic Law: the case of *Sadl al-Yadayn* (holding one's hands by one's sides) when doing the Prayer," in *Islamic Law and Society*, v. 3, n. 1 (1996), 13-40. For a critical analysis of Dutton, see G.F. Haddad, "Imam Malik vs Pseudo-Malikiism: Review of Dutton's *Original Islam: Malik and the Madhhab of Medina*" (June, 2007, <http://mac.abc.se/~onesr/ez/in/bn/Original.Islam-MalikMadh.html>, accessed 12/1/2009).

2- Shaykh Hassan Cisse, interview, Medina-Kaolack, 6/31/03.

3- These include Ashhab, *Matraf*, Ibn Majishun; as well as one branch of Maliki school in Iraq (now extinct). See Niasse, *Raf'*, 54.

4- The most important being the narration from Wa'il b. al-Hajar in Bukhari, Muslim and Abu Dawud. See Niasse, *Raf'*, 54.

5- In any case, wrote Shaykh Ibrāhīm, Malikis should differentiate between a legal and advised

Mālik's commendation of qabḍ was for its being a mark of humility (khushū') in the prayer.¹ Those who narrowed Mālik's practice to only sadl were not transmitting the full picture: they were incompletely embodying the intention and practice of their teacher. This was in contrast to Mālikī scholars who fully actualized the school's teachings (muḥaqqiqīn) and permitted the practice of qabḍ, such as Lakhmī, Qāḍī Iyāḍ and Ibn Rushd.²

In a broader social context, the debate over variations in ritual practice could easily be mistaken for doctrinal differences. Even if sadl was legitimate, it was sometimes appropriate, Shaykh Ibrāhīm argued, to leave an established practice of the Prophet if it later became associated with deviancy (raf'). The Raf' goes on to tell of some West African Mālikīs traveling in the Middle East who had been taken before the jurists of Syria, accused of being outside Sunni Islam for praying with their arms down in the mosque (Shī'a Muslims also pray sadl). Praying qabḍ was thus praiseworthy if only to protect against confusion among the common folk, who might mistake practical variations for doctrinal divergence.³ Knowledge transmission, Shaykh Ibrāhīm here demonstrated, did not occur in a vacuum, but had to be put into dialogue with historical contexts. "The ruling (ḥukm) revolves with the cause ('illa)," the Raf' concludes in this instance. This was certainly something that could only be determined by a scholar who knew not simply a series of legal rulings, but exemplified the essential disposition behind those rulings.

The emphasis on intention or the internal condition reflected in external movements of the prayer – a central issue in Islamic jurisprudence more generally – plays an interesting role in the Raf' al-malām that was no doubt a function of Shaykh Ibrāhīm's Sufi affiliation. Aside from the common ascription of humility to the position of qabḍ, Shaykh Ibrāhīm said qabḍ was the position of true devotion or sacrifice (naḥr). Here the Shaykh referenced

dislike (kurh): "Whoever would leave the Sunnah of qabḍ, confused by the dislike of some Malikis, should know the difference between advised dislike (and legal dislike, the former being that) in which there is no proscription and no reward for leaving it; and no ugliness in doing it." See Niasse, Raf' al-malām, p. 60. Shaykh Ibrāhīm also related al-Suyūṭī's interpretation of Imam Malik's dislike for qabḍ as meaning he did not want common people to consider it among the integral parts of the prayer. See Niasse, Raf', 67.

1- Niasse, Raf', 54.

2- Ibid., 58.

3- Ibid., 55-56. Another example given here of a Sunnah that might be abandoned in contemporary circumstances was for a man to wear long hair, something which might be associated with femininity, or, in a black African context, with Rastafarianism. Such explains the condemnation of some present scholars in Medina-Kaolack for wearing dreadlocks. Shaykh Māhī Cisse rebuked one figure, Soufi Bilal, who publically associated himself with Shaykh Ibrāhīm in Mali, for (among other things) wearing dreadlocks: "If they want to be rasta, let them follow Bob Marley then, he is the shaykh for that, not Shaykh Ibrāhīm!" Shaykh Māhī Cisse, interview, Medina-Kaolack, 5/25/2009.

‘Alī b. Abī Ḥālib’s interpretation of the verse, “So pray and sacrifice (anḥar) to your Lord,” as meaning to pray with the hands folded on the chest, since the word naḥr also means “upper part of the chest” besides “sacrifice.”¹ The spiritual meaning of qabḍ was that it protected the purity of intention in the heart: “The heart is the place of the intention (niya), and it is accepted practice that whoever would guard something will put his hand over it.”² Underscoring the influence of the Sufi tradition on his interpretation, Shaykh Ibrāhīm related that qabḍ was also the practice of prominent Sufi scholars of the Mālīkī school, such as Ibn al-‘Arabī and Muḥammad al-Sanūsī.³ In any case, the emphasis on the relationship between bodily practice and the purity of the heart resonated with long-standing embodied knowledge practices, even if the recourse to Sufi thought injected new life into this epistemology.

The adaptability of an Islamic legal tradition transmitted through personal example deserves emphasis: reformers who have broken with the sanad tradition have justified calls to a new legal methodology against the supposed fossilization of the transmitted schools of jurisprudence. Unfortunately most academic scholarship treating modern reform movements unthinkingly reproduces the same facile dichotomy between taqlīd (imitation) and tajdīd (renewal) or iṣlāḥ (reform). Deeper histories of Islamic legal traditions generally recognize the fruitful dialogue between transmitted knowledge and historical contexts. A history of Mālīkī scholarship in Mauritania thus concludes: “We have endeavored to underline the originality and the practical utility” of legal rulings.⁴ The variety of arguments that Shaykh Ibrāhīm used to change the inherited ritual practice from sadl to qabḍ clearly demonstrated such originality and practical utility, all while remaining firmly rooted in the sanad tradition.

The emphasis on exemplary disposition in the transmission of jurisprudence could also have social implications. The legal scholars of Medina-Kaolack have not shied from criticizing established West African social customs on the basis of transmitted learning. Brief reference can be made here to legal opinions surrounding female piety and social roles. One

1 Here Shaykh Ibrāhīm cited the tafsīr of Fakhr al-Dīn al-Rāzī, Qur’an, 108:2; see Niasse, Raf’, 58. According to Shaykh Ibrāhīm, this opinion of ‘Alī was also related in Ṣaḥnūn and Ikmāl al-ikmāl.

2- Here Shaykh Ibrāhīm cited “Ḥāfiẓ,” probably a reference to the renowned Sufi and Shāf’ī scholar al-Ḥāfiẓ b. al-Ḥajar al-Asqalānī. See Niasse, Raf’, 66.

3- Niasse, Raf’, 62. Shaykh Ibrāhīm’s opinion nonetheless contradicted the reported practice of Shaykh Ahmad al-Tijānī, a source of contention within the Tijāniyya. Shaykh Hassan explained... (tariqa have nothing to do with fiqh, take tariqa from Shaykh Tijānī, prayer from the Prophet, etc).

4- Mohaemd El Mokhtar Ould Bah, *La littérature juridique et l’évolution du Malikisme en Mauritanie* (Tunis: Publications de l’université de Tunis, 1981), 19.

prominent example was Ruqīyya Niasse, the daughter of Shaykh Ibrāhīm, who argued for the right of Muslim women to earn wages outside the home in her Arabic treatise, *Ḥuqūq al-nisā' fī al-islām* ("The Rights of Women in Islam").

Some of these men [in Senegal] consider their wives as servants to do all the work, night and day. Such women work in the fields then they work at home preparing food. They bring water a long distance to the home, they wash clothes and give water to the cattle and sheep. All of this is in addition to taking care of their husbands and children. Some of these men do not fulfill their responsibilities, and worse, they do not spend enough money on their homes. This mistreatment turns marriage into a hell and a curse. Moreover, some men refuse to allow their wives outside (the home to work), even if they are doing something beneficial for the family's survival.¹

This argument shows sensitivity to increasing work-load on women following the transition to wage labor: they shouldered the same domestic responsibilities together with jobs men earlier did, such as cultivation and animal husbandry. In such circumstances, if the man cannot at least meet the financial requirements of the home, he did not have the right, Ruqīyya Niasse argued, to prohibit women from joining the wage-earning work force. Striking in such opinions is the dialogue between Islamic ethics and changing historical standards. Another example of such an engagement came during Shaykh Hassan Cisse's high-profile speech in Abuja, Nigeria, addressing a mixed crowd of Islamic dignitaries and world aid organizations concerning female circumcision, sometimes still practiced in West Africa:

We only have to look at the righteous people, and what they did or did not do, to know the acceptability of a given practice. The Prophet, peace upon him, never circumcised his daughters or wives. And here in West Africa, people like Ahmad Bamba, Hajj Mālik Sy or Shaykh Ibrāhīm, none of them ever circumcised their daughters or wives ... We know that Islam has not come to eradicate our culture, that culture is present alongside Islam as long as it is a positive influence. But standards may change over time. What was once considered a good thing may later turn out to be harmful. If today science tells us that some of our past cultural practices, like female circumcision, are harmful, there should be no problem in leaving them aside.²

1- Ruqīyya b. Ibrāhīm Niasse, *Ḥuqūq al-nisā' fī al-islām*, The Rights of Women in Islam, ed. Haneef Saafir, trans. Abubakar Ali and Babacar Cisse (New Jersey, 2006), 35-36. I have made some changes to the original translation.

2- Shaykh Hassan Cisse, speech in Abuja, March, 2005; related by Shaykh Jere Cisse, interview, Medina-Kaolack, 5/4/2009.

The transmitted practice of the Prophet and successor saints thus becomes the source of discernment and adaptation. Practice was not determined by a specific text of legal judgments: it was formulated from lived example and transmitted disposition; in this case centered on benefiting real people. In the case where culture was found to harm people, there should be no Islamic legal obstacle to abandoning it. Refusing to do so would only constitute an ideological dam, stopping an otherwise fluid transmission of disposition and practice, meant to be continuously brought to life in new times in dialogue with new circumstances.

The accent on gnosis within the movement of Shaykh Ibrāhīm Niasse strengthened the adaptability of the Islamic legal tradition by rearticulating the importance of master-disciple relations and embodied knowledge. The gnostic's knowledge of jurisprudence allowed multiple chains of knowledge transmission to be put into dialogue, which could in turn be put in dialogue with texts and new knowledge. In accenting practical disposition over doctrine, the relationship between cultural/historical context and legal precepts could be critically interrogated. The gnostic's movement within an evolving legal tradition is perhaps best explained by Shaykh Hassan's description of the gnostic as *ibn waqtihi*, the son of the moment: "The Sufi is son of his hour. He will respond to the needs of the time. At every moment he is dealing with the requirements of that moment. The Muslim who is greatest in understanding is he who submits to the rule of his hour."¹

1- Cisse, *Revivalist of the Sunnah*, 16.